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STATUTORY INSTRUMENTS

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**2008 No. 491**

**The Cornwall (Structural Change) Order 2008**

**PART 3**

**TRANSITIONAL FUNCTIONS AND THEIR DISCHARGE**

**Transitional functions of the Cornwall council and establishment of Implementation Executive**

6.—(1) On the coming into force of this Order there shall be added to the functions of the Cornwall council the function, which is to be exercisable only during the transitional period ending on the fourth day after the 2009 election day, of preparing for and facilitating the economic, effective, efficient and timely transfer of the district councils' functions, property, rights and liabilities ("the main transitional function").

(2) Section 15 of the 2000 Act (discharge of functions: leader and cabinet executive) shall have effect in relation to the Cornwall council and—

- (a) the main transitional function, and
- (b) the other transitional functions referred to in article 7 ("the article 7 functions"),

as if, in subsection (1), after the words "19 or 20," there were inserted "or under the Cornwall (Structural Change) Order 2008,".

(3) The Cornwall council's executive arrangements shall provide for the discharge of the main transitional function and the article 7 functions to be the responsibility of a committee of the council's executive, to be known as the Implementation Executive.

(4) Such statutory provisions as apply to, or in relation to, committees of a local authority's executive shall apply to, or in relation to, the Implementation Executive subject only to paragraphs (5), (6) and (8) to (11) of this article and article 8(2) to (4); and for this purpose "statutory provisions" includes —

- (a) any enactment contained in an Act passed after the making of this Order; and
- (b) any instrument made at any time under an enactment (including an enactment contained in an Act passed after the 2007 Act).

(5) The Implementation Executive shall consist of—

- (a) the person who is for the time being the leader of the Cornwall council's executive;
- (b) eleven persons nominated by the Cornwall council, being persons who are for the time being members of that council; and
- (c) twelve other persons, of whom each of the district councils shall nominate two, being persons who are for the time being members of the council by which they are nominated (whether or not including the leaders for the time being of those councils).

(6) In making the nominations referred to in paragraph (5)(b) and (c), the Cornwall council and the district councils shall, to the extent that it is practicable to do so, secure that at all times there are on the Implementation Executive—

- (a) four members of the Conservative Party,
- (b) six persons who are members of no registered party within the meaning of that term in the Political Parties, Elections and Referendums Act 2000<sup>(1)</sup>,
- (c) one member of the Labour Party, and
- (d) thirteen members of the Liberal Democrats.

(7) It shall be the duty of the Cornwall council and each of the district councils to co-operate in the establishment of the Implementation Executive.

(8) The leader of the Implementation Executive shall be the person who is for the time being the leader of the Cornwall council's executive; and that person shall preside at all meetings of the Implementation Executive at which he is present.

(9) The persons who, immediately before 1st April 2009, are members of the Implementation Executive by virtue of paragraph (5)(c) shall continue as members of the Implementation Executive notwithstanding that they cease on that date to be members of the district councils.

(10) The Implementation Executive shall regulate its own proceedings, but a question to be decided by the Executive shall, in the first instance, be decided by the majority of those present and voting at the meeting at which the question is put, each member (including the leader of the Implementation Executive) having one vote.

(11) In the case of an equality of votes, the person presiding at the meeting (whether or not the leader of the Implementation Executive) shall have a casting vote, in addition to any other vote the person may have.

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<sup>(1)</sup> 2000 c.41. See the definition in section 160(1), and Part 2 of the Act.